

UNIT 66 ASSIGNMENT OF CLAIMS

Formerly Unit 65


UNIT CERTIFICATION

Statement of Completion

_____ has satisfactorily completed on-the-job training in the duty or duties of this Unit under the conditions described below and in accordance with the overall standard(s) for this Unit.

Duty	Approve or disapprove the request for an assignment of claims.
Conditions	Given a contract, a request from the contractor for an assignment of claims, and a copy of the Notice of Assignment.
Overall Standard(s)	Approve the request if it meets terms of contract and FAR/agency requirements.

In Commercial Contracts

 See FAR §52.212-4 (b) in contracts for commercial items for coverage of the Assignment of Claims Act. [§12.212-4, FAC 90-32, Case 94-790]

Evaluator

Name

Title

Date

UNIT 66 ASSIGNMENT OF CLAIMS

DOCUMENTATION OF OJT ASSIGNMENT(S)
Description of Assignment:
Evaluation:
Completion Date:

UNIT 66 ASSIGNMENT OF CLAIMS

Policies

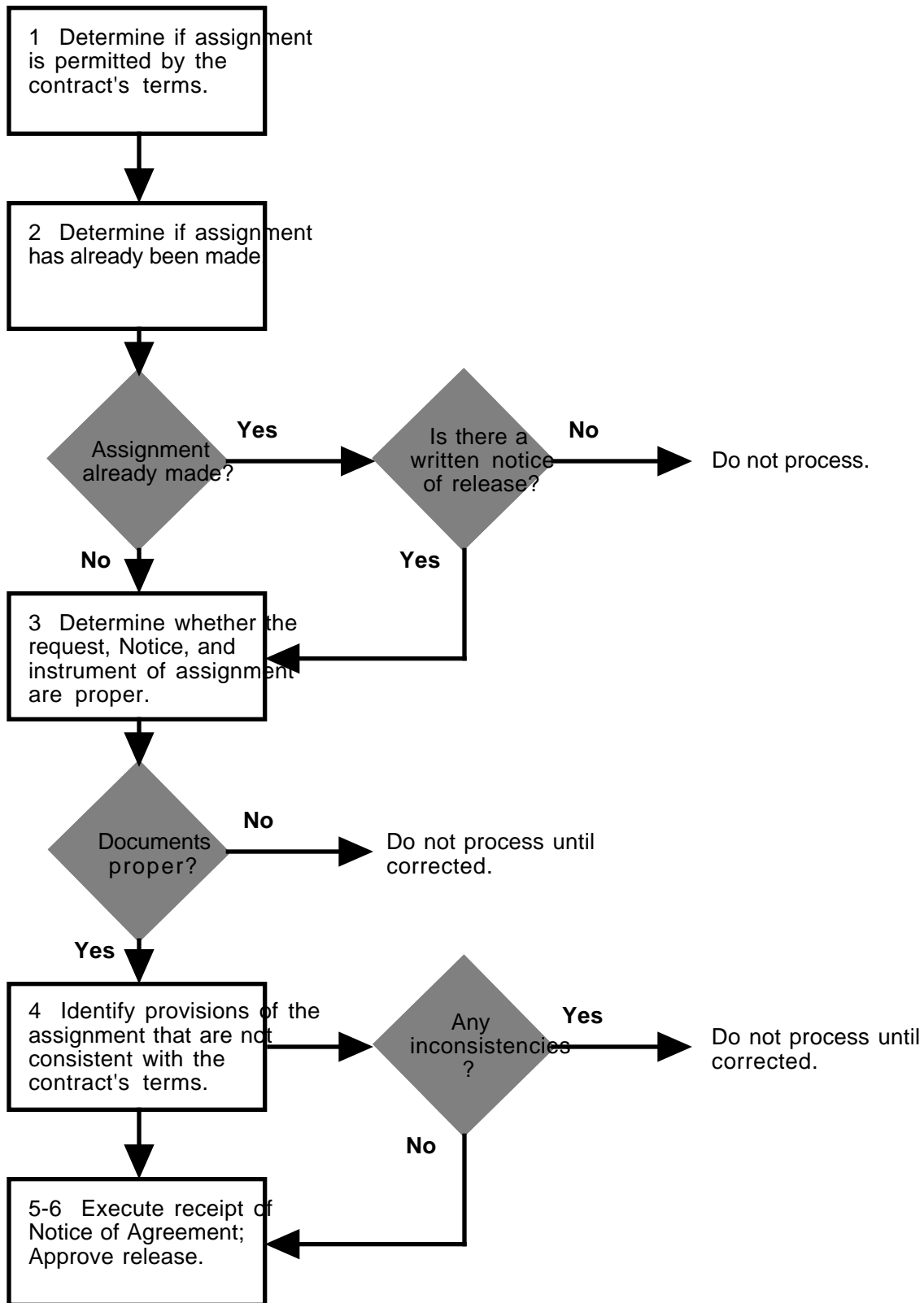
<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
32.8		Assignment of claims.
52.232-23		Assignment of claims clause.
52.232-24		Prohibition of assignment of claims.

Other KSA's

1. Commercial Law and Business Finance.
2. Knowledge of types of financing institutions, authority to sign legally binding documents, and Freedom of Information requirements.

Other Policies and References (Annotate As Necessary):

ASSIGNMENT OF CLAIMS



UNIT 66 ASSIGNMENT OF CLAIMS

Tasks

Related Standards

<p>1. Determine if assignment is permitted in accordance with contract terms.</p> <p>If not:</p> <ul style="list-style-type: none"> Negotiate a supplemental agreement to incorporate the assignment of claims clause, with appropriate consideration to the Government, or Retain prohibition on assignment if in the Government's interests. 	
<p>2. Determine if an assignment has already been made.</p>	<p>2. If an assignment has already been made, make no new assignment unless the assignee files a:</p> <ul style="list-style-type: none"> Written notice of release of the contractor by the assigning financial institutions. Copy of the release instrument. Written notice of the further assignment or re-assignment. Copy of the further assignment or reassignment instrument.
<p>3. Determine whether the request, Notice of Assignment, and instrument of assignment are proper.</p> <ul style="list-style-type: none"> Assignment is to bank, trust company or other financing agency, including any Federal lending agency. Assignment is for all unpaid amounts payable under the contract. Assignment is to only one party and not subject to further assignment (although assignments may be made to a party as agent or trustee for two or more parties participating in the financing of the contract). Contractor does not furnish or disclose any classified information to the assignee unless authorized by the Contracting Officer. An original and 3 copies of the written notice of the assignment together with one true copy (i.e., a certified duplicate or photostat) of the assignment instrument has been forwarded by the assignee to each of the following parties: <ul style="list-style-type: none"> The contracting officer or the agency head. The surety, if applicable. The disbursing officer designated in the contract to make payment. The assignment is properly executed. 	<p>3. See FAR 32.805 for a suggested format.</p> <p>If a corporation, the assignment must be:</p> <ul style="list-style-type: none"> Executed by an authorized representative. Attested by secretary or assistant secretary of the corporation Impressed with corporate seal or accompanied by certified copy of resolution of corporation's board of directors authorizing the signing representative to execute assignment. <p>If a partnership, the assignment may be signed by one partner if accompanied and acknowledged certification that signor is a general partner of the partnership.</p> <p>If an individual, the assignment must be signed by that individual and the signature must be notarized.</p>

UNIT 66 ASSIGNMENT OF CLAIMS

Tasks

Related Standards

4. Identify any provisions of the assignment that are not consistent with the contract's terms and conditions.	4. Approve no assignment that is not consistent with other terms and conditions of the contract. Confirm that: <ul style="list-style-type: none"> • The contract has been properly approved and executed. • The contract is one under which claims may be assigned. • The assignment covers only money due or to become due under the contract.
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No Set-Off Commitments

✎ Agency heads can authorize a no set-off commitment (see 60 FR 52289, October 5, 1995) but only after publishing a “determination of need” in the Federal Register. [§31.8, FAC 90-33, Case 94-761]

5. Execute receipt of Notice of Assignment and return the three copies to the assignee. <ul style="list-style-type: none"> • If the notice is okay, receipt and return copies to assignee. • If the notice is not okay, return to assignee for proper completion or amendment. • If assignment is not permissible, notify assignee. 	
6. Approve release of assignment per the contractor's written request. <ul style="list-style-type: none"> • Verify the release instrument (contact the assignee with any questions). • Verify that written notice of the release, along with a true copy of the release instrument, have been received by the: <ul style="list-style-type: none"> - The contracting officer or the agency head. - The surety, if applicable. - The disbursing officer designated in the contract to make payment. • Acknowledge receipt of the notice to contractor. • Direct the finance office to make any needed changes in the issuance of payments. 	6. Do not approve the release instrument unless it is accurate, complete, and includes true copy of the release of assignment instrument.